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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,749	05/27/2005	Maki Onuma	00862.023339,	4500
5514	7590	03/19/2010	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			MILIA, MARK R	
1290 Avenue of the Americas			ART UNIT	PAPER NUMBER
NEW YORK, NY 10104-3800			2625	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,749	<b>Applicant(s)</b> ONUMA, MAKI
	<b>Examiner</b> Mark R. Milia	<b>Art Unit</b> 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 09 December 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1,2,5-7,9,12 and 13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,5-7,9,12 and 13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment was received on 12/9/09 and has been entered and made of record. Currently, claims 1-2, 5-7, 9, and 12-13 are pending.

***Response to Arguments***

2. Applicant's arguments filed 12/9/09 have been fully considered but they are not persuasive.

Applicant asserts that Yoshikawa cannot be said to disclose or suggest that the reading unit retreat position and the reference white board retreat position are relatively higher than the reading unit document reading position and the reference white board reading position, as is recited in independent Claims 1 and 6. In particular, the position of the reference white board 20 during reading is higher than its position in retreat. The Examiner respectfully disagrees as Yoshikawa can be said to disclose such a feature. Particularly, Yoshikawa shows a reading position for a reading unit and reference white board in Drawing 7 and a retreat position for the reading unit and the reference white board in Drawing 6. When the positions of both the reading unit and reference white board are taken as a whole it can be said that the retreat positions are relatively higher than the reading positions, such that in the retreat position the reference white board is

lowered only slightly and in the retreat position the reading unit is raised significantly, when compared to the reading positions of the reading unit and reference white board. Therefore, the retreat positions or the reading unit and reference white board are relatively higher than the reading positions of the reading unit and reference white board. The Examiner would like to note that during the interview conducted on 12/7/09 a description of the instant invention was given by applicant's representative that included the fact that the reading unit and reference white board were in some way attached or connected to each other and moved together. The Examiner believes this is what is trying to be portrayed in independent claims 1 and 6 but the current claim language does not explicitly recite such a limitation.

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document No. 11-187212 to Yoshikawa, as cited in the IDS dated 9/16/06, reference will be made to a computer translation that was furnished with a prior Office Action, in view of U.S. Patent No. 6,975,435 to Maitani et al.

Regarding claim 1, Yoshikawa discloses an image printing and reading apparatus comprising: a printing unit to print an image on a print sheet conveyed through a print sheet path (see paragraphs 11, 13 line 2, and 27), a reading unit to read

a document conveyed through a document path, having a common part belonging to said print sheet path and said document path (see paragraphs 31 and 33, line scanner unit **19**), a reference white board for shading correction used by said reading unit (see paragraphs 37 line 6-9 and 39, white reference board **20a** attached to white unit **20**), and a moving unit to move said reading unit to a reading unit document reading position and said reference white board to a reference white board document reading position when said reading unit executes document reading, and to move said reading unit to a reading unit retreat position and said reference white board to a reference white board retreat position at which the influence of ambient light is reduced (see Drawings 6 and 7 and paragraphs 8-9, 29, 34-35, 40-41, and 45-46, reference shows that the reading unit and the white board move between a shunting/home/retreat position and a reading position based on whether reading or recording is taking place), wherein the reading unit retreat position and the reference white board retreat position are relatively higher than the reading unit document reading position and the reference white board document reading position (See Drawings 6 and 7, Drawing 7 shows the reading position of line scanning unit **19** and white board **20**. Drawing 6 shows the retreat position of line scanning unit **19** and white board **20**. It can be seen in Drawing 6 that the line scanning unit is relatively higher in the retreat position than the reading position and the system as a whole, (control lever **21**, supporting spindle **22**), is in a higher relative position in the retreat position shown in Drawing 6 opposed to the reading position shown in Drawing 7. Therefore the retreat position as a whole is relatively higher than the reading position).

Yoshikawa does not disclose expressly prescanning.

Maitani discloses a reference white board for shading correction used by said reading unit upon execution of prescanning (see Fig. 4, column 7 lines 35-37, and column 9 lines 17-27) and wherein said reading unit and said reference white board are in a position in which the influence of ambient light is reduced at least upon execution of prescanning (see column 9 lines 17-49).

Regarding claim 6, Yoshikawa discloses a scanning method in an image printing and reading apparatus including a printing unit to print an image on a print sheet conveyed through a print sheet path (see paragraphs 11, 13 line 2, and 27), a reading unit to read a document conveyed through a document path, having a common part belonging to the print sheet path and the document path (see paragraphs 31 and 33, line scanner unit **19**), and a reference white board for shading correction used by the reading unit (see paragraph 37 line 6-9, white reference board **20a** attached to white unit **20**), said method comprising: a step of moving the reading unit to a reading unit document reading position and said reference white board to a reference white board document reading position when said reading unit executes document reading, and to move said reading unit to a reading unit retreat position and said reference white board to a reference white board retreat position at which the influence of ambient light is reduced (see paragraphs 8-9, 29, 34-35, 40-41, and 45-46, reference shows that the reading unit and the white board move between a shunting/home/retreat position and a reading position based on whether reading or recording is taking place), wherein the reading unit retreat position and the reference white board retreat position are relatively

higher than the reading unit document reading position and the reference white board document reading position (See Drawings 6 and 7, Drawing 7 shows the reading position of line scanning unit **19** and white board **20**. Drawing 6 shows the retreat position of line scanning unit **19** and white board **20**. It can be seen in Drawing 6 that the line scanning unit is relatively higher in the retreat position than the reading position and the system as a whole, (control lever **21**, supporting spindle **22**), is in a higher relative position in the retreat position shown in Drawing 6 opposed to the reading position shown in Drawing 7. Therefore the retreat position as a whole is relatively higher than the reading position).

Yoshikawa does not disclose expressly prescanning.

Maitani discloses a reference white board for shading correction used by said reading unit upon execution of prescanning (see Fig. 4, column 7 lines 35-37, and column 9 lines 17-27), wherein said reading unit and said reference white board are in a position in which the influence of ambient light is reduced at least upon execution of prescanning (see column 9 lines 17-49), and a step of executing the prescanning when said reading unit and said reference white board are in said retreat position (see column 9 lines 17-27).

Yoshikawa & Maitani are combinable because they are from the same field of endeavor, a combination printing and scanning device utilizing a reference white board for correction of light quantity.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the prescanning, as described by Maitani, with the system of Yoshikawa.

The suggestion/motivation for doing so would have been to provide a basis or initial value based on a white reference board (prescanning) to provide a more accurate shading correction as the light source is moved to read the document.

Therefore, it would have been obvious to combine Maitani with Yoshikawa to obtain the invention as specified in claims 1 and 6.

Regarding claims 2 and 7, Yoshikawa further discloses wherein the reading unit retreat position and the reference white board retreat position are positions within a casing of said image printing and reading apparatus (see paragraphs 8-9).

5. Claims 5, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa and Maitani as applied to claims 1, 2, 6, and 7 above, and further in view of Yamamoto.

Maitani discloses executing the prescanning when no occurrence of a jam has taken place (see column 9 lines 17-27).

Yoshikawa and Maitani does not disclose expressly a detection unit to detect occurrence of jam in the common part belonging to said print sheet path and said document path.

Yamamoto discloses a detection unit to detect occurrence of jam in the common part belonging to said print sheet path and said document path, wherein if said detection unit has not detected the occurrence of jam, said reading unit executes (see column 7 line 13-column 8 line 6).

Yoshikawa, Maitani, & Yamamoto are combinable because they are from the same field of endeavor, combination printing and scanning devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the detection of a paper jam, as described by Yamamoto and which is well known and commonly used in the art, with the system of Yoshikawa and Maitani.

The suggestion/motivation for doing so would have been to ensure system efficiency operability by detecting paper jams and to provide a basis or initial value to allow proper shading correction as the light source is moved to read the document.

Therefore, it would have been obvious to combine Yamamoto with Yoshikawa and Maitani to obtain the invention as specified in claims 5, 9, 12, and 13.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art please refer to the attached Notice of References Cited.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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